REMARKS

Claims 1-16 and 18-34 stand rejected. Applicant herein amends claims 1, 11, 12, 21, 23, 30, and 33. Further review and consideration is respectfully requested in view of the claim amendments and the following remarks.

Claim Rejections 35 U.S.C. § 102 / 103

Claims 1-6, 8-16, and 18-34 stand rejected under 35 U.S.C. § 102(b) or in the alternative 35 U.S.C. § 103(a) over U.S. Patent No. 5,729,471 to Jain. Claim 7 stands rejected under 35 U.S.C. § 103(a) over of Jain in view of U.S. Patent No. 5,850,471 to Brett. Applicant traverses these rejections.

Claim 1

Claim as amended 1 recites in part "instructions for multiple guest operating systems configured to execute on the single computer system in *virtual machines* emulated by one or more emulator programs running on the host operating system; and wherein the host operating system is configured to display a reduced-size continually updated *representation of the video output of at least one operating system from the multiple guest operating systems* that are being operated in a background mode." (Emphasis added.) Applicant notes that Jain does not show a virtual machine executing a guest operating system but the Office Action states that such subject matter is inherent or in the alternative obvious. Applicant disagrees.

The conclusion that such subject matter is inherent is not supported by the teachings of Jain. Applicant submits that in order to maintain a rejection based on inherency "the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic <u>necessarily</u> flows from the teachings of the applied prior art." *Ex parte Levy,* 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original.) The examiner's proffered technical reasoning as to why virtual machines are an inherent feature of Jain does not logically flow from what Jain actually shows. That is, a disclosure of "a register table or designated memory (virtual working space,

memory, or machine) for storing information, process IDs, addresses of the slave work stations" (Office Action at p. 4) does not *prove* that Jain inherently uses virtual machines. Registers, designated memory, process IDs and the like are used in lots of computer systems that do not *necessarily* include virtual machines. Without a showing that Jain necessarily includes virtual machines an inherency determination can not be maintained. Thus, the conclusion that Jain inherently discloses virtual machines is contrary to law because Jain does not necessarily use virtual machines.

Applicant additionally disagrees that virtual machines "would have been obvious to a person of ordinary skill in the art … to provide a capability of having virtual machines running in the UNIX workstation of Jain." (Office Action at p. 4) Jain discloses multiple cameras that send their video output to a central graphics station. (See, e.g., FIG. 15.) These cameras are real devices and there is no teaching or suggestion that the cameras are, or could be, virtual machines having guest operating systems. Even if the central graphics station is virtualized there is no teaching or suggestion that the output of the central graphics station could be displayed as a thumbnail on a host operating system. Thus, Jain can not be said to teach or suggest a host operating system configured to "display a reduced-size continually updated *representation of the video output of at least one operating system from the multiple guest operating systems* that are being operated in a background mode." To argue that Jain teaches or suggests such subject matter improperly takes the present applicants' teachings and transforms them into an argument for unpatentability. Accordingly, for at least this reason Applicant respectfully requests reconsideration of the rejection of claim 1.

Insomuch as dependent claims 2-7 depend directly or indirectly from claim 1 they too patentably define over the art of record for at least similar reasons as claim 1. Accordingly, Applicant respectfully requests reconsideration of the rejections of claims 2-7.

Claim 8 recites in part "multiple emulated virtual machines, containing respective guest operating systems running on the single computer system, being emulated by one or more emulator programs running on the host operating system; and wherein the host operating system is able to display for a user reduced-size continually updated representation of the video output of each virtual machine." Applicant respectfully submits that claim 8 defines over the art of record for at least similar reasons as claim 1. Accordingly, Applicant respectfully requests reconsideration of the rejection of claim 8.

Insomuch as dependent claims 9-10 depend directly or indirectly from claim 8 they too patentably define over the art of record for at least similar reasons as claim 1. Accordingly, Applicant respectfully requests reconsideration of the rejections of claims 9-10.

Claim 11

The Office Action states that claim 11 is "rejected under a similar rationale as claim 1 above." (Office Action at p. 6.) Applicant submits that the art of record fails to teach or suggest at least "reading in at an emulator program from memory in the host computer system the images of the suspended guest computer systems; [and] interpreting in the emulator program the contents of saved images of the suspended guest computer systems based on video adaptor settings of the virtual video adaptors." Jain does not teach or suggest an emulator program that can interpret the contents of a virtual machine's virtual video adaptor and generate a continually updated representation of the suspended guest computer system. Jain discloses multiple cameras that send their video output to a central graphics station. (See, e.g., FIG. 15.) The central graphics station does not virtualize video adaptors and does not interpret information received from the cameras based on the settings of the virtualized video adaptors. Accordingly, Applicant respectfully requests reconsideration of the rejection of claim 11.

Independent claim 12 recites "interpreting in the emulator program the contents of the images of the emulated guest computer systems based on video adaptor settings of the virtual video adaptors" Applicant respectfully submits that claim 12 defines over the art of record for at least similar reasons as claim 11. Accordingly, Applicant respectfully requests reconsideration of the rejection of claim 12.

Insomuch as dependent claims 13-16, and 18-20 depends directly or indirectly from claim 12 they too patentably define over the art of record for at least similar reasons as claim 11. Accordingly, Applicant respectfully requests reconsideration of the rejections of claims 13-16, and 18-20.

Independent claim 21 recites "interpreting the video output from the virtual video adaptors based on video adaptor settings of the virtual video adaptors" Applicant respectfully

submits that claim 21 defines over the art of record for at least similar reasons as claim 11. Accordingly, Applicant respectfully requests reconsideration of the rejection of claim 21.

Insomuch as dependent claim 22 depends directly from claim 21 it too patentably define over the art of record for at least similar reasons as claim 11. Accordingly, Applicant respectfully requests reconsideration of the rejection of claim 22.

Independent claim 23 recites "interpreting the video output from the first virtual video adaptor based on video adaptor settings of the first virtual video adaptor and interpreting the video output from the second virtual video adaptor based on video adaptor settings of the second virtual video adaptor." Applicant respectfully submits that claim 23 defines over the art of record for at least similar reasons as claim 11. Accordingly, Applicant respectfully requests reconsideration of the rejection of claim 23.

Insomuch as dependent claims 24-29 depend directly or indirectly from claim 23 they too patentably define over the art of record for at least similar reasons as claim 11. Accordingly, Applicant respectfully requests reconsideration of the rejections of claim 24-29.

Independent claim 30 recites "storing images from the video RAMs in main memory of the computer; accessing the video RAMs of the virtual machines to obtain images from the video RAMS; [and] generating thumbnail images of the images obtained from the video RAMs based on video adaptor settings of the virtual video adaptors." Applicant respectfully submits that claim 30 defines over the art of record for at least similar reasons as claim 11. Accordingly, Applicant respectfully requests reconsideration of the rejection of claim 30.

Insomuch as dependent claims 31 and 32 depend directly from claim 30 they too patentably define over the art of record for at least similar reasons as claim 11. Accordingly, Applicant respectfully requests reconsideration of the rejections of claims 31 and 32.

Independent claim 31 recites "interpreting the image data received from the virtual video adaptors based on video adaptor settings of the virtual video adaptors." Applicant respectfully submits that claim 31 defines over the art of record for at least similar reasons as claim 11. Accordingly, Applicant respectfully requests reconsideration of the rejection of claim 31.

Insomuch as dependent claim 34 depends directly from claim 31 they too patentably define over the art of record for at least similar reasons as claim 11. Accordingly, Applicant respectfully requests reconsideration of the rejection of claim 34.

CONCLUSION

Applicant believes that the present remarks are responsive to each of the points raised by the examiner in the official action, and submits that the claims of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the examiner's earliest convenience is earnestly solicited.

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